

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

**BADER FARMS, INC. and
BILL BADER**

Plaintiffs,

v.

**MONSANTO CO. and
BASF CORP.,**

Defendants.

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MDL No. 1:18md2820-SNLJ

Case No. 1:16cv299-SNLJ

MEMORANDUM and ORDER

This matter is before the Court on the joint emergency motion for continuance of the March 25, 2019 expert deposition deadline and for immediate telephonic hearing filed by defendants Monsanto Company and BASF Corporation. The Court granted the motion for a telephonic hearing, held off the record, and heard argument from both plaintiffs and defendants. Defendants wish to postpone the depositions of the plaintiffs' experts until the Court has ruled on plaintiffs' motion to amend their complaint. Plaintiffs' proposed amendment, *inter alia*, makes explicit that plaintiffs seek damages for the 2018 crop season. Defendants argue that they have not received discovery from 2018, and, as a result, they say they are unable to effectively cross examine plaintiffs' damages experts on 2018 damage. Defendants want to avoid the need for multiple depositions.


This is complex case. Multiple depositions of witnesses are likely. The Court made clear that, to the extent defendants require additional time to depose plaintiffs' experts, such additional time will likely be allowed. The interests of justice require that the parties proceed with discovery at this time. Any inconvenience posed by the possibility of repeated depositions of witnesses will

be borne by both parties, and such inconvenience is outweighed by the parties' and the Court's interest in the continued progress of discovery and full development of the record.

Accordingly,

IT IS HEREBY ORDERED that the defendants' motion for continuance (#163) is DENIED.

So ordered this 21st day of March, 2019.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE